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11 Attorneys for Plaintiff

12 UNITED STATES MAGISTRATE COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,)
16 Plaintiff,)
17 v.)
18 MEHERDAD NAMIRANIAN,)
19 Defendant.)

70926 MAG
No. 3 05 70650

PROPOSED ORDER AND
STIPULATION FOR CONTINUANCE
FROM DECEMBER 16, 2005 TO
JANUARY 5, 2006 AND EXCLUDING
TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

20 With the agreement of the parties, and with the consent of the defendant, the Court enters
21 this order scheduling an arraignment or preliminary hearing date of January 5, 2006 at 9:30A.M.
22 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary
23 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the
24 Speedy Trial Act, 18 U.S.C. § 3161(b), from December 16, 2005 to January 5, 2006. The parties
25 agree, and the Court finds and holds, as follows:

- 26 1. The defendant has been released on bond.
- 27 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective
preparation, taking into account the exercise of due diligence.
- 28 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

2 4. Counsel for the defense believes that postponing the preliminary hearing is in his
3 client's best interest, and that it is not in his client's interest for the United States to indict the
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
8 the Court finds that the ends of justice served by excluding the period from December 16, 2005
9 to January 5, 2006, outweigh the best interest of the public and the defendant in a speedy trial. §
10 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
12 hearing date before the duty magistrate judge on January 5, 2006, at 9:30A.M., and (2) orders
13 that the period from December 16, 2005 to January 5, 2006 be excluded from the time period for
14 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
15 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16
17 IT IS SO STIPULATED:

18
19 DATED: December 15, 2005

/s _____
ED SWANSON
Attorney for Defendant

20
21 DATED: December 15, 2005

/s _____
ROBERT DAVID REES
Assistant United States Attorney

22
23 IT IS SO ORDERED.

24
25 DATED: December 16, 2005

